Regd. No. M.—1175.

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 5

BANGALORE, THURSDAY, FEBRUARY 1, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 2144—*R. T.* 38-39-10, *dated Bangalore, the 27th January* 1940.

In exercise of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act, No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that two check gates be opened at Kenchenahalli and Sarathi in the Harihar Sub-Taluk, Chitaldrug District, temporarily, for a period of three months and that these check gates and the Karlahalli toll-gate be treated as one toll-gate, the payment of toll at one toll-gate exempting vehicles, etc., from payment of the same at the other.

No. P. 5018—*Legis.* 19-39-12, *dated Bangalore, the* 26*th January* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following order, namely :—

1. *Short Title.*—This order may be called the Enemy Property (Custody and Registration) Order, 1939.

2. *Definitions.*—In this order unless there is something repugnant in the subject or context—

(i) "Custodian" means the Custodian of Enemy Property for Mysore appointed under rule 114 of the Defence of India Rules as applied to Mysore and includes any Deputy or Assistant Custodian of enemy property authorised by the said custodian in respect of all or any of the provisions of this order;

(ii) the expressions "enemy subject," "enemy firm," "enemy property" and "securities" shall have the meanings, respectively assigned to them by rule 103 of the Defence of India Rules as applied to Mysore;

(iii) "enemy" means an enemy subject or enemy firm;

(iv) "form" means a form appended to this order;

(v) "person" includes any company or association or body of individuals whether incorporated or not.

3. *Payment to Custodian of money otherwise payable to an enemy.*—Any sum payable by way of dividend, interest, share of profits or otherwise, to or for the benefit of an enemy, shall be paid by the person by whom such sum would have been payable if a state of war had not existed, to the Custodian or such person as may be authorised by him in this behalf, and shall be held by such Custodian or other person subject to the provisions of this order.

4. (1) *Powers of custodian in respect of enemy property vesting in him.*—Whenever by order made under sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the property of an enemy is vested in the Custodian, the Custodian may take such measures as he considers necessary or expedient for preserving the property.

(2) Without prejudice to the generality of the foregoing provision, the Custodian may for the said purpose,—

(i) carry on the business of the enemy,

(ii) take action for recovering any money due to the enemy,

(iii) make any contracts, and execute any documents in the name and on behalf of the enemy,

(iv) incur any expenditure, including the payment of any taxes, duties, cesses and rates to Government or to any local authority, and of any wages, salaries, pensions or provident fund contributions to, or in respect of, any employee of the enemy, and the repayment of any debts due by the enemy to persons other than enemies, and

(v) transfer by way of sale, mortgage or lease, or otherwise dispose of, any of the property.

5. *Exemption from attachment, etc.*—All enemy property vesting in the Custodian shall be exempt from attachment, seizure or sale in execution of a civil court decree.

6. (1) *Transfer of Securities belonging to an enemy.*—Where in exercise of the powers conferred by paragraph 4 of this order, the Custodian proposes to sell any securities issued by a company and belonging to an enemy, the company may, with the consent of the Custodian purchase the securities, notwithstanding anything to the contrary in any law or in any regulations of the company, and any securities so purchased may be re-issued by the company as and when it thinks fit so to do.

(2) Where the Custodian executes a transfer of any securities issued by a company, the company shall, on receipt of the transfer and an order in this behalf from the Custodian, register the securities in the name of the transferee, notwithstanding that the regulations of the company do not permit such registration in the absence of the certificate, script or other evidence of title relating to the securities transferred:

Provided that any such registration shall be without prejudice to any lien or charge in favour of the company and to any other lien or charge of which the Custodian gives express notice to the company.

7. *Power of Custodian to summon persons and call for documents.*—(1) A Custodian may, by notice in writing, require any person whom he believes to be capable of giving information concerning any enemy property to attend before him at such time and place as may be specified in the notice, and examine any such person concerning the same, reduce his statement to writing and require him to sign it.

(2) A Custodian may, by notice in writing, require any person whom he believes to have in his possession or control any account book, letter book, invoice receipt or other document of whatever nature relating to any enemy property, to produce the same, or cause the same to be produced, before the Custodian at such time and place as may be specified in the notice, and to submit the same to his examination and to allow copies of any entry therein or any part thereof to be taken by him.

8. *Returns relating to enemy property.*—(1) Every bank carrying on business in Mysore which has any balances or deposits standing to the credit of an enemy shall, within two months from the date of this order, communicate to the Custodian full particulars of such balances or deposits in Form A.

(2) Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore shall, within two months from the date of this order, communicate to the Custodian in Form B full particulars of all securities of the company which belong to an enemy.

(3) Every firm carrying on business in Mysore, one or more partners of which are enemies, shall, within two months from the date of this order, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies.

(4) Every person residing or carrying on business in Mysore by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall, within two months from the date of this order, or if such money becomes payable after the expiry of that period, within one month after it becomes payable, communicate to the Custodian full particulars of such money in Form D.

(5) Every person other than bank residing or carrying on business in Mysore who owes any debts to an enemy shall, within two months from the date of this order, communicate to the Custodian full particulars of such debts in Form E.

(6) Every person residing or carrying on business in Mysore who has in his possession or control any enemy property not covered by the preceding sub-paragraphs shall, within two months from the date of this order, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control, communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G, in the case of property held otherwise.

In the case of property of enemy subjects, other than internees, residing in India the above particulars may be confined to bank balances and deposits, dividends and similar payments, securities and immovable property belonging to the aforesaid class of enemy subjects.

(7) Where a return of enemy property has been made to the Custodian in Form F or Form G, particulars of any income derived from such property during each quarter after the expiry of two months from the date of this order shall be communicated to the Custodian in Form H within one month of the expiry of that quarter; and if no income has been so derived since the date of the last return the fact shall be reported to the Custodian in the same form within the said period.

(8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same form within one month after the change has occurred or has been effected.

9. *Responsibility for making returns on behalf of companies and firms—Registers of returns.*—Every director, managing agent, manager and secretary of a company and every partner of a firm, shall be responsible for communicating to the Custodian the particulars prescribed in paragraph 8.

10. (1) All returns relating to enemy property submitted to the Custodian in pursuance of paragraph 8

shall be recorded in such registers as may be prescribed by the Custodian.

(2) All such registers shall be open to inspection, subject to the payment of a fee of rupee one per page or part of a page of any register inspected and to such reasonable restrictions as the Custodian may impose, by any person who, in the opinion of the Custodian, is interested in any particular enemy property as a creditor or otherwise, and any such person may also obtain a copy of the relevant portion from the registers on payment of a ee of rupee one per page or part of a page.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

APPENDIX.

FORM A.

To

The Custodian of Enemy Property,

.....

Ref. No. A.....

From.....

(Address).....

(Date).....

Return showing particulars of balances or deposits standing to the credit of an enemy.

N.B.—Where not known, the contents of sealed boxes, packages, etc., deposited need not be ascertained.

Name of enemy	Address	Balances	Cash deposits	Description and estimated value (if known) of dedosits other than cash deposits
				£ s. d. Rs. a. p.
				Total £ Rs.

FORM B.

To

The Custodian of Enemy Property,

.....

Ref. No. B.....

From .....

(Address).....

(Date).....

Return showing particulars of all securities of a company belonging to an enemy.

Name of enemy	Address	Description of securities	Value
			£ s. d. Rs. a. p.

FORM C.

To

The Custodian of Enemy Property,

.....

Ref. No. C.....

From.....

(Address).....

(Date).....

Return showing particulars as to any share of profits and interest due to an enemy.

Name of enemy	Address	Where a company makes the return		Where a partner makes the return		
		Description of shares, stock, debentures or debentures stock held by an enemy	Nominal value of each holding	Enemy capital	Interest or share or profits due to an enemy	Period covered by interest or share of profits
			£ s. d. Rs. a. p.	£ s. d. Rs. a. p.	£ s. d. Rs. a. p.	

IV-B

FORM D.

To

The Custodian of Enemy Property,

Ref. No, D..... .....

From.....

(Address)..... .....

(Date).....

Return showing particulars of any money which would have been payable or paid to or for the benefit of enemy by way of dividend, interest or share of profits.

Name of enemy	Address	Description	Value
			£ s. p. Rs. a. p.

FORM E.

To

The Custodian of Enemy Property,

.....

Ref. No. E.....

From.....,

(Address).....

(Date).....

Return showing particulars of Debts due to an enemy.

Name of enemy	Address	Description of property (each item to be stated separately)	
		Nature of debt	Amount
			£ s. d. Rs. a. p.

FORM F.

To

The Custodian of Enemy Property,

.....

Ref. No. F.....
From.....
(Address).....
.....
Nature of lien claimed (if any).....

Return showing particulars of enemy property in possession not already recorded with the Custodian.

N.B.—This form should be used in respect of enemy property held in safe custody.

Full name of person for whom held (surname first)	Full address of person, for whom held	(Each item to be stated separately)			
		Immovable property		Movable property	
		Full description of any landed property held in respect of which income has been received	Amount of income received therefrom	Full description of any movable property held in respect of which income has been received	Amount of income received therefrom
			£. s. d. Rs. a. p.	Total— £ Rs.	£. s. d. Rs. a. p.

FORM G.

To

The Custodian of Enemy Property,

Ref. No. G..... .....

From..... .....

..... (Address)..... .....

....

N.B.- This form should be used in respect of property held otherwise than in safe custody.

Full name of person for whom held (surname first)	Full address of person for whom held	(Each item to be stated separately)			
		Immovable property		Movable property	
		Full description of any landed property held in respect of which income has been received	Amount of income received therefrom	Full description of any movable property held in respect of which income has been received	Amount of income received therefrom
			£ s. d. Rs. a. p. Total- £ / Rs.		£ s. d. Rs. a. p.

FORM H.

QUARTERLY RETURN OF INCOME.

To

The Custodian of Enemy Property,

.....

Ref. No. H.....
From.....
(Address).....
.....
Nature of lien claimed (if any).....
(Date).....

Return showing particulars of income received from property already recorded with the Custodian and held for or on behalf of or in trust for enemies.

N.B.—(1) If no income has been received since date of previous return, the fact should be recorded and the orde returned to the Custodian.

(2) The amount of any lien on the income recorded, or on the property from which it is derived, should be notified if this has not already been done.

Full name of person for whom held (surname first)	Full address of person for whom held	(Each item to be stated separately)			
		Immovable property		Movable property	
		Full description of any landed property held in respect of which income has been received	Amount of income received since date of last return	Full description of any movable property held in respect of which income has been received	Amount of income received since date of last return
			£ s. d. / Rs. a. p.		£ s. d. / Rs. a. p.
				Total £ / Rs.	

Printed by the Superintendent at the Government Press, Bangalore.